

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

DERRICK L. SMITH,

Plaintiff,

v.

Case No: 2:18-cv-707-FtM-29MRM

DEPARTMENT OF CORRECTIONS,
PATRICK MURPHY, Warden, and
DEPARTMENT OF CORRECTIONS
LIABILITY INSURERS,

Defendants.

OPINION AND ORDER

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #13), filed February 14, 2019, recommending that plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs (Doc. #2) be denied, and the case dismissed without prejudice for want of prosecution and for failure to comply with Court Orders. No objections have been filed and the time to do so has expired.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject or modify the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1); Williams v. Wainwright, 681 F.2d 732 (11th Cir. 1982), cert. denied, 459 U.S. 1112 (1983). In the absence of specific objections, there is no requirement that a district judge review factual findings *de novo*, Garvey v. Vaughn, 993 F.2d 776, 779 n.9

(11th Cir. 1993), and the court may accept, reject or modify, in whole or in part, the findings and recommendations. 28 U.S.C. § 636(b)(1). The district judge reviews legal conclusions *de novo*, even in the absence of an objection. See Cooper-Houston v. Southern Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); Castro Bobadilla v. Reno, 826 F. Supp. 1428, 1431-32 (S.D. Fla. 1993), aff'd, 28 F.3d 116 (11th Cir. 1994) (Table).

After conducting an independent examination of the file and upon due consideration of the Report and Recommendation, the Court accepts the Report and Recommendation of the magistrate judge.

Accordingly, it is now

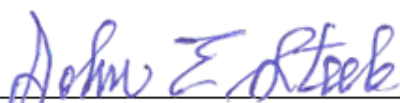
ORDERED:

1. The Report and Recommendation (Doc. #13) is hereby **adopted** and the findings incorporated herein.

2. Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs (Doc. #2) is **DENIED**.

3. The Clerk shall enter judgment dismissing the case without prejudice, terminate all pending motions and deadlines, and close the file.

DONE and ORDERED at Fort Myers, Florida, this 8th day of March, 2019.



JOHN E. STEELE
SENIOR UNITED STATES DISTRICT JUDGE

Copies:

Hon. Mac R. McCoy
United States Magistrate Judge

Counsel of Record
Unrepresented parties